

**REMARKS**

Claims 1-22 are pending in the present application.

Claims 1-22 have been rejected.

No claims have been allowed.

No claims have been amended herein.

Claims 1-22 remain in the present application.

Reconsideration of the claims is respectfully requested in view of the following arguments.

In Section 1 of the July 14, 2004, Office Action, the Examiner pointed out an inconsistency in the Abstract. The Applicants have amended the Abstract to address the inconsistency and respectfully request entry of the amendment.

In Section 2 of the July 14, 2004, Office Action, the Examiner rejected Claims 1, 3-6, 8, 9, 11-14, 16, 17, 19, 21 and 22 under 35 U.S.C. 103(a) as being unpatentable over United States Patent No. 6,243,590 to *Reddy et al.* ("*Reddy*") in view of United States Patent No. 6,545,616 to *Haimi-Cohen* ("*Haimi-Cohen*"). In Section 3 of the Office Action, the Examiner rejected Claims 2, 10 and 18 under 35 U.S.C. 103(a) as being unpatentable over *Reddy* and *Haimi-Cohen* and further in view of United States Patent No. 6,038,452 to *Strawczynski et al.* ("*Strawczynski*"). In Section 4 of the Office Action, the Examiner rejected Claims 7, 15 and 20 under 35 U.S.C. 103(a) as being unpatentable over *Reddy* and *Haimi-Cohen* and further in view of United States Patent Publication No. 2002/0003789 to *Kim et al.* ("*Kim*").

The Applicants direct the Examiner's attention to Claim 1, which contains the unique and novel limitations emphasized below:

1. (Original) For use in a base station of a wireless network capable of communicating with mobile stations located in a coverage area of said wireless network, an apparatus for assigning a vocoder associated with said base station to process call traffic associated with a first said mobile station, said apparatus comprising:
  - a connection network capable of connecting a plurality of vocoders to a plurality of channel elements, each of said plurality of channel elements capable of processing forward channel messages transmitted to said first mobile station and reverse channel messages received from said first mobile station; and
  - a controller capable of receiving an overhead message transmitted by said first mobile station and extracting from said overhead message a data value suitable for indicating if said first mobile station is capable of transmitting and receiving TTY/TDD Baudot code traffic, wherein said controller causes said connection network to connect a first channel element processing forward and reverse channel messages associated with said first mobile station to a first selected vocoder capable of processing TTY/TDD Baudot code traffic if said data value indicates said first mobile station is capable of transmitting and receiving TTY/TDD Baudot code traffic. (*emphasis added*)

The Applicants respectfully assert that the above-emphasized limitations are not disclosed in the *Reddy* reference, the *Haimi-Cohen* reference, or in the combination of the *Reddy* reference and the *Haimi-Cohen* reference.

The Office Action asserts that *Reddy* describes a base transceiver station comprising an apparatus for assigning a vocoder associated with the base station to process call traffic associated with a mobile station, citing column 2, line 62, through column 3, line 3. The cited passage describes Figure 1, which illustrates a mobile telephone apparatus (*see Reddy, col. 2, line 53*), and states:

A user places a telephone call by entering the necessary information and signaling that a call should be originated with the user controls 106. To originate a mobile call the mobile telephone must establish communication with a base station

on a [sic] and obtain an assignment for a traffic channel. Contact is established by sending an access probe on the access channel that includes a request message. As shown in FIG. 2, the access probe 202 includes a vocoder type 202a as part of the request message.

The Examiner also cites column 2, lines 64-66, which state that, “[w]hen and if the access probe 202 produces an accept message response, the controller 110 [in the mobile telephone apparatus of Fig. 1] copies 240 the select index 208 value to the originate index 206.” As such, the cited passages are describing the apparatus and actions of a mobile telephone, rather than a base transceiver station, as recited in Claim 1.

The Applicants respectfully submit that the Examiner has misunderstood the teaching of the *Reddy* reference. The reference describes a method for selecting a vocoder type for the origination of a mobile telephone call. *See Reddy, Abstract*. A mobile telephone establishes contact with a base station by sending an access probe that includes a message requesting an assignment for a traffic channel. *See Reddy, col. 1, lines 41-44*. The reference further describes the process as follows, at column 1, lines 63-67:

Included in the CDMA request message is an indication of the type of vocoder that the mobile telephone will use to encode the voice data. The base station must be capable of encoding and decoding voice data using the requested vocoder to successfully complete the call. If the base station does not recognize the requested vocoder, the base station will reject the call. (*emphasis added*)

Some mobile telephones are capable of using more than one type of vocoder and, under the invention taught by the *Reddy* reference, when such a rejection occurs, “the mobile telephone will adjust the type of vocoder being used to originate calls to match the capabilities of the base station that is providing service for the mobile telephone.” *See Reddy, col. 2, lines 49-52*.

As such, the *Reddy* reference does not teach an apparatus for use in a base station for assigning a vocoder associated with the base station to process call traffic associated with a mobile station, according to data received from the mobile station indicating the capabilities of the mobile station, as recited in Claim 1. On the contrary, the *Reddy* reference describes a mobile station that selects from among a plurality of vocoders within the mobile station, according to the type of vocoder in use in a base station. Furthermore, the Applicants respectfully assert that the *Haimi-Cohen*, *Strawczynski*, and *Kim* references do nothing to overcome this shortcoming.

This being the case, Claim 1 presents patentable subject matter over the *Reddy* reference and the *Haimi-Cohen* reference. Additionally, dependent Claims 2-8, which depend from Claim 1, contain all of the unique and novel limitations recited in independent Claim 1. Claims 2-8 are therefore patentable over the *Reddy* reference and the *Haimi-Cohen*, *Strawczynski*, and *Kim* references.

Furthermore, independent Claims 9 and 17 recite limitations that are analogous to the unique and novel limitations recited in Claim 1. Similarly, independent Claim 22 recites a method for use in a mobile station of assigning a vocoder associated with a base station. This being the case, Claims 9, 17 and 22 are patentable over the *Reddy* reference and the *Haimi-Cohen* reference. Dependent Claims 10-16, which depend from Claim 9, and dependent Claims 18-21, which depend from Claim 17, contain all of the unique and novel limitations recited in independent Claims 9 and 17, respectively. Thus, Claims 10-16 and 18-23 are patentable over the *Reddy* reference and the *Haimi-Cohen*, *Strawczynski*, and *Kim* references.

**SUMMARY**

For the reasons given above, the Applicants respectfully request reconsideration and allowance of pending claims and that this Application be passed to issue. If any outstanding issues remain, or if the Examiner has any further suggestions for expediting allowance of this Application, the Applicants respectfully invite the Examiner to contact the undersigned at the telephone number indicated below or at *jmockler@davismunck.com*.

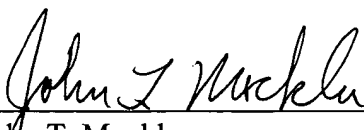
The Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Deposit Account No. 50-0208.

Respectfully submitted,

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